

was joined as a defendant in count 1, David Stang in count 2, and James P. Norman in the remaining 2 counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (2), the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents; and, Section 502 (f) (1), the labeling of the repackaged drugs failed to bear adequate directions for use.

Further misbranding, Section 502 (d), the repackaged *Nembutal Sodium capsules* contained pentobarbital sodium, a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the label of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

DISPOSITION: A motion for dismissal of the information was filed by the defendants, but later it was denied. The case came on for trial before the court on July 15, 1953, upon the defendants' pleas of not guilty, and at the conclusion of the testimony, the court returned a verdict of guilty. The court fined the partnership \$1,500, plus costs, suspended the imposition of sentence against the individual defendants, and placed the individual defendants on probation for 18 months.

4145. Misbranding of penicillin G potassium tablets and sulfadiazine tablets.
U. S. v. Theodore M. Douglas and William H. Evans. Pleas of nolo contendere. Fine of \$50 against Defendant Douglas and \$100 against Defendant Evans, plus costs. (F. D. C. No. 33844. Sample Nos. 33535-L, 33550-L, 33562-L.)

INFORMATION FILED: February 18, 1953, Northern District of Illinois, against Theodore M. Douglas, a pharmacist, and William H. Evans, an employee of the Star Drug Store, at Chicago, Ill.

ALLEGED VIOLATION: On or about October 4 and 18, 1951, while a number of *penicillin G potassium tablets* were being held for sale at the Star Drug Store, after shipment in interstate commerce, each defendant caused a number of such tablets to be dispensed in the original containers in which the tablets had been shipped in interstate commerce, without the prescription of a physician, which acts resulted in the tablets being misbranded; and, on or about October 20, 1951, while a number of *sulfadiazine tablets* were being held for sale at the Star Drug Store, after shipment in interstate commerce, Defendant Evans caused a number of such tablets to be repacked and dispensed without a physician's prescription, which acts resulted in the repackaged tablets being misbranded.

NATURE OF CHARGE: *Penicillin G potassium tablets.* Misbranding, Section 502 (f) (1), the labeling of the tablets failed to bear adequate directions for use. (The containers in which the tablets were shipped in interstate commerce bore no directions for use since they were exempt from such requirement by the label statement "Caution: To be dispensed only by or on the prescription of a physician." The act of the defendants in dispensing the tablets without a physician's prescription, however, caused the exemption to expire.)

Sulfadiazine tablets. Misbranding, Section 502 (b) (1) and (2), the repackaged tablets failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents; Section 502 (e) (1), the repackaged tablets failed to bear a label containing the common or usual name of the drug;

and, Section 502 (f) (1) and (2), the repackaged tablets failed to bear labeling containing adequate directions for use and adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration, in such manner and form, as are necessary for the protection of users.

DISPOSITION: June 12, 1953. The defendants having entered pleas of nolo contendere, the court imposed a fine of \$50 against Defendant Douglas and \$100 against Defendant Evans, plus costs.

4146. Misbranding of Glando tablets. U. S. v. 1 Bottle, etc. (F. D. C. No. 34904. Sample No. 57738-L.)

LABEL FILED: March 20, 1953, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about December 31, 1952, and February 23, 1953, from Baltimore, Md.

PRODUCT: 1 bottle, containing 6,000 tablets, and 30 boxes, each box containing 16 tablets, of *Glando tablets* at Norfolk, Va., in the possession of the Medical Products Co., together with a number of loose labels.

RESULTS OF INVESTIGATION: The above-mentioned tablets had been shipped in interstate commerce in bulk containers, and after their receipt by the Medical Products Co., a number of the tablets were repackaged by that company into boxes labeled as indicated below.

LABEL, IN PART: (Box) "Glando Builds Up Vitality, Health And Strength Medical Products Company Norfolk, Va. Directions—One to two tablets after meals and bedtime * * * Recommended for loss of manhood, debility, lack of vitality, loss of appetite, weakness, etc."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the box labels of the tablets were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for loss of manhood, debility, lack of vitality, loss of appetite, and weakness, and for building up health and strength. The article was not an adequate and effective treatment for such conditions and purposes.

Further misbranding, Section 502 (e) (2), the box label of the article failed to declare the presence and proportion of strychnine contained in the tablets and the presence of the active ingredients, cantharides and zinc phosphide; and, Section 502 (f) (2), the labeling of the article failed to bear such adequate warnings against use in those pathological conditions or by children where its use may be dangerous to health, and against unsafe dosage and duration of administration, in such manner and form, as are necessary for the protection of users since its labeling failed to bear warnings against use of this article, which contained strychnine, cantharides, and zinc phosphide.

The article was alleged to be misbranded in the above respects while held for sale after shipment in interstate commerce.

DISPOSITION: May 20, 1953. Default decree of condemnation and destruction.

4147. Misbranding of Niagara device. U. S. v. 13 Devices, etc. (F. D. C. No. 34938. Sample Nos. 20731-L, 48670-L.)

LABEL FILED: April 8, 1953, Southern District of Iowa.

ALLEGED SHIPMENT: On or about January 9 and February 20, 1953, by Niamco, Inc., from Dallas, Tex.